



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5752
Mailing Address: P.O. Box 2231 • Sacramento, California • 95812
FAX (916) 341-5808 • Internet Address: <http://www.swrcb.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING

PROPOSED REGULATION: UNDERGROUND STORAGE TANK INTERSTITIAL LIQUID LEVEL MEASUREMENT (ILLM) MONITORING

Friday, December 10, 2004 - 10:00 a.m.
Sierra Hearing Room
Joe Serna Jr.- Cal/EPA Building
1001 I Street, Sacramento

SUBJECT OF HEARING:

The State Water Resources Control Board (SWRCB) will hold a public hearing to seek statements or arguments orally or in writing relevant to the proposed regulatory action to amend Chapter 16, Title 23 of the California Code of Regulations, relating to interstitial liquid level measurement monitoring of underground storage tanks (USTs).

BACKGROUND:

California's Legislature enacted Chapter 6.7 of the Health & Safety Code (HSC) in 1984. Since then, it has amended Chapter 6.7 in response to federal mandates relating to USTs, or to new information regarding changing industry practices and/or the performance of USTs meeting regulatory standards. In response to findings of widespread vapor releases from USTs in California, the Legislature passed Assembly Bill (AB) 2481 (stats. 2002, ch. 999).

AB 2481 required significantly improved continuous monitoring methods for newly-installed USTs, specifically that the interstitial space be maintained under vacuum or pressure.

Significantly, AB 2481 set forth a performance standard that "a breach in the primary or the secondary is detected before the liquid- or vapor-phase of the hazardous substance stored in the underground storage tank is released into the environment." [HSC, §25290.1, subd. (e)].

At the time of development of AB 2481, a well-established method for monitoring tanks was available in California, the "brine tank" monitoring method, also referred to as the "hydrostatic" monitoring or "interstitial liquid level measurement" (ILLM) method. Brine tanks rely on a positive head pressure within the interstitial space that is greater than the stored substance under operating conditions within the primary containment. This positive head pressure is maintained through use of a liquid reservoir atop the tank that triggers an alarm if the reservoir level falls significantly. Depending on the level of groundwater surrounding the tank, the liquid level within the interstice would move up or down in the event of a leak. However, the hydrostatic pressure within the interstice ensures that the hazardous substance stored in the tank cannot escape to the environment without first activating an alarm, ensuring that any breach in the primary or the secondary containment will be detected before the hazardous substance is released to the environment. In recognition that the level of environmental protection of the brine tank method met the stated performance standard, AB 2481 was amended to specifically allow the

brine tank method for newly-installed USTs by stating that the “use of interstitial liquid measurement methods satisfies the requirements of this subdivision.”

After AB 2481 was enacted, certain manufacturers proposed to market other ILLM methods, specifically for monitoring of pressurized piping, not contemplated when the bill was developed. Certain of these proposed ILLM methods for pressurized piping do not maintain a head pressure within the interstitial space that is greater than operating conditions within the primary containment, as is the case for brine tanks. A pressurized piping system typically operates between 30 and 45 pounds per square inch (psi), whereas the pressure proposed to be maintained in the interstice and reservoir would be only 0.5 psi, rather than overpressured, as for brine tanks. Monitoring of this type does not provide the same level of environmental protection as the interstitial liquid level measurement method in use at the time AB 2481 was written and adopted. Furthermore, monitoring of this type cannot always detect breaches in the primary or secondary containment before the hazardous substance stored in the UST is released into the environment, as is required by AB 2481.

The proposed regulations will clearly define the term “interstitial liquid level measurement method” as used in section 25290.1(e) of the Health and Safety Code. Having a clear definition of this term in regulations will promote consistent application of this requirement by local regulatory agencies throughout the state. This regulation would not impact existing UST facilities, and would not affect the design or future applicability of the hydrostatic monitoring systems that have been used for many years on tanks.

The Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the proposed amendments are available either by accessing the SWRCB UST Program web page at: <http://www.swrcb.ca.gov/ust/> or by writing to:

Mr. Scott Bacon
State Water Resources Control Board
Division of Water Quality, UST Program
P.O. Box 2231
Sacramento, CA 95812

HEARING ISSUES:

The purpose of this hearing is to provide an opportunity for persons to present statements or arguments orally or in writing relevant to the proposed regulatory action.

PROCEDURAL MATTERS:

This is a public hearing and a SWRCB member will be present. The proceedings will be recorded and placed into the Rulemaking File. There will be no sworn testimony or cross-examination of participants, but the SWRCB member and SWRCB staff may ask clarifying questions. To ensure that all attendees have a chance to participate in the hearing, oral comments may be limited to ten minutes or less.

Written comments not presented at the public hearing will be considered by the SWRCB if they are received prior to 5:00 p.m. on December 10, 2004. Submit written comments to:

Debbie Irvin, Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Fax: (916) 341-5620
dirvin@swrcb.ca.gov

PARKING AND ACCESSIBILITY:

The attached map shows the location of the Joe Serna, Jr. Cal/EPA Headquarters Building and available parking. All visitors are required to sign in and receive a badge prior to attending any meeting. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level, so please allow 15 minutes for signing in.

Questions concerning this notice may be directed to Mr. Scott Bacon at (916) 341-5873, or via fax at (916) 341-5808, or via e-mail at bacons@swrcb.ca.gov.


Debbie Irvin
Clerk to the Board

October 22, 2004